

SPECIAL MEETING - Fresno COG Policy Board

Date: Thursday, January 6, 2022

Time: 5:30 PM

Place: Via Zoom

Americans with Disabilities Act (ADA) Accommodations

The Fresno COG offices and restrooms are ADA accessible. Representatives or individuals with disabilities should contact Fresno COG at (559) 233-4148, at least 3 days in advance, to request auxiliary aids and/or translation services necessary to participate in the public meeting / public hearing. If Fresno COG is unable to accommodate an auxiliary aid or translation request for a public hearing, after receiving proper notice, the hearing will be continued on a specified date when accommodations are available.

**SPECIAL MEETING
THE FRESNO COG POLICY BOARD WILL TAKE PLACE VIA ZOOM.**

JOINING THE MEETING:

[HTTPS://US06WEB.ZOOM.US/J/81291470376?PWD=CK5WUWduWnu2U2FQVJZxQM4XWVPNDZ09](https://us06web.zoom.us/j/81291470376?pwd=CK5WUWduWnu2U2FQVJZxQM4XWVPNDZ09)

MEETING ID: 812 9147 0376

PASSCODE: 196008

JOIN BY PHONE: (669) 900-6833

IF YOU WISH TO ADDRESS THE POLICY BOARD DURING THE PUBLIC COMMENT PORTION OF THE AGENDA, CLICK ON THE "REACTIONS" AT THE BOTTOM CENTER OF YOUR PC OR MAC SCREEN. SELECT THE HAND ICON, CLICK THE ICON TO "RAISEHAND". YOUR DIGITAL HAND WILL NOW BE RAISED.

WHEN ON THE PHONE, IF YOU WISH TO ADDRESS THE POLICY BOARD DURING THE PUBLIC COMMENT PORTION OF THE AGENDA, PRESS *9 TO "RAISEHAND" AND WE WILL SELECT YOU FROM THE MEETING CUE.

****IF JOINING BY PHONE USE *6 TO UNMUTE AND MUTE YOURSELF. WHEN JOINING THE MEETING ALL PARTICIPANTS ARE AUTOMATICALLY MUTED. DO NOT USE THE MUTE FUNCTION ON YOUR LAN LINE PHONE OR CELL PHONE.**

THOSE ADDRESSING THE POLICY BOARD MUST STATE THEIR FIRST AND LAST NAME AND AGENCY FOR THE RECORD.

TO FACILITATE ELECTRONIC ACCESS, NO PERSON SHALL SPEAK UNTIL RECOGNIZED BY THE CHAIR.

Fresno County Rural Transit Agency Meeting Package - Meeting will follow Policy Board Meeting

Agenda and Annotated Agenda in PDF format - ALL EXHIBITS ARE AVAILABLE ON WEBSITE

Exhibits:

Annotated Agenda

I. AB 361 -- COVID Contingency Board/Committee Meeting Format (Robert Phipps) [ACTION]

Exhibits:

Resolution 2022-01

Summary: On Sept. 15, 2021, Governor Newsom signed Assembly Bill (AB) 361, amending the Ralph M. Brown Act to allow local agency councils, boards and committees to continue conducting public meetings remotely during a state of emergency after Oct. 1, 2021, so long as they make specific findings every 30 days, and ensure conditions related to public participation are satisfied. Under the Brown Act, the Policy Board, TTC and PAC and other Fresno COG committees are considered "legislative bodies," according to the Fresno County Counsel's office.

Under the urgency legislation, a local agency may use the more "relaxed" Brown Act teleconferencing/videoconferencing requirements in any of the following circumstances:

- There is a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- There is a proclaimed state of emergency, and the local agency's meeting is to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- There is a proclaimed state of emergency, and the local agency has determined, by majority vote, that as a result of the emergency meeting in person would present an imminent risk to the health or safety of attendees.

AB 361 defines a "state of emergency" as a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act. Importantly, this includes the Governor's proclaimed state of emergency due to the COVID-19 pandemic.

To continue to rely on the relaxed video/teleconferencing provisions, the local agency must reconsider the circumstances of the state of emergency and make the following findings by majority vote, **every 30 days**:

- The state of emergency continues to directly impact the ability of members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

The recommended finding under this option would be that "The Board, meeting during a proclaimed state of emergency, has determined by majority vote, pursuant to AB 361 subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees."

While the Committee has the option of using teleconferencing, as was available prior to COVID restrictions, the Brown Act requires: 1) a quorum of the legislative body to participate from within the boundaries of the agency's jurisdiction, 2) the public agency to post notice of each teleconference location, and 3) the public be allowed to address the legislative body from each teleconference location. These requirements place a significant burden on both Board members and staff.

Action: Staff recommends two actions:

- 1) That the Board issue the following finding: As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- 2) Direct staff to continue offering video/teleconferencing provisions for all Fresno COG committee and Board meetings through Feb. 5, 2022.

II. **PUBLIC PRESENTATIONS**

A. **Public Presentations**

This portion of the meeting is reserved for persons wishing to address the Policy Board on items within its jurisdiction but not on this agenda. **Note: Prior to action by the Policy Board on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to three minutes.**